

MISC

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IN THE
UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ MAY 20 2013 ★

BROOKLYN OFFICE

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: 06-CR-216 (BMC)

NOUREDDINE MALKI,

Defendant,

COGAN, J.

MOTION FOR RETURN OF SEIZED PROPERTY
AND SUPPRESSION OF EVIDENCE

Comes now Defendant, Nouredine Malki ("Malki"), pro-se and unrepresented, and moves this Honorable Court for an Order that the Government return all seized property in the above referenced case, in addition to an Order that any and all property seized is suppressed as evidence in this case.

GROUND FOR RELIEF

Defendant Malki asserts the he is the owner of the property seized between the last week of September and the first week of October in 2005, and subsequent times when agents repeatedly visited the defendant's apartment in search of more evidence.

Malki further declares that most of the property seized was composed of personal household items that were neither used as evidence, nor were they labeled as classified materials.

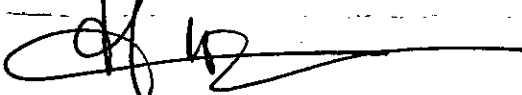
Pursuant to the exclusionary rule adopted by the Courts of the United States to protect the fourth amendment rights of the defendants and persons similarly affected, the defendant is entitled to have his personal property suppressed as evidence

according to the procedures set out in Rules 12(b)(3)(C) and 41(h) of the Federal Rules of Criminal Procedure.

Furthermore, defendant Malki is entitled to lawful possession of his seized property. The government has no legitimate need for this property once its use as evidence is of no value whatsoever, the property should be returned to defendant Malki according to the procedures specified in Rule 41(g) of the Federal Rules of Criminal Procedure.

Dated: May 14, 2013

Respectfully Submitted,



Nouredine Malki
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